

# Notice of Allowability

Application No.

09/887,993

Examiner

Ljiljana (Lil) V. Ciric

Applicant(s)

VISSER, ROY ALAN

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to replies filed on 9/11/2003 & 6/15/2005 & telephonic interview on 9/6/2005.
2. ☒ The allowed claim(s) is/are 15 and 18-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11132003, 03112004, 1115 2004 *ARC*
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material *9-6-05*
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 09062005
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Ljiljana V. Ciric*  
Ljiljana (Lil) V. Ciric  
Primary Examiner  
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### EXAMINER'S AMENDMENT/COMMENTS

1. Claim 15 as amended below is generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claim 20, directed to the non-elected species is no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with C. W. Arnett, Registration No. 51,414, on September 6, 2005.

3. The application has been amended as follows:

In the claims:

Cancel claims 1 through 14.

Claim 15, line 7: Delete "shifting" and replace with --distorting--. Also, immediately following "of the liquid", insert --by providing a stationary structure within the hollow inner portion of the tubing--. Finally, immediately preceding "maximum", delete "a" and replace with --the--.

Claim 15, line 9: Delete "decreases" and replace with --is minimized--.

Cancel claim 17.

Claim 18, lines 1-3: Delete "the step of shifting the laminar flow comprises the step of".

Claim 18, line 3: Immediately preceding "structure", delete "a" and replace with --the stationary--.

Claim 18, lines 4-5: Delete ", the structure shifting the laminar flow and".

Claim 18, line 5: At the end of the line, delete "a" and replace with --the--.

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Claim 19, line 1: Delete "of claim 17" and replace with --of claim 18--. Also, delete "the step of".

Claim 19, line 2: Immediately preceding "structure", delete "a" and replace with ----the stationary--.

Claim 20, line 1: Delete "the step of introducing a first" and replace with --providing the stationary--.


4. The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Baas, Buckley et al., and Daly et al. each discloses a butterfly or flap valve including an associated drive mechanism.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner can normally be reached on Mondays through Fridays from 10:00 a.m. to 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene, can be reached at 571-272-4930.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ljiljana (Lil) V. Ciric  
Primary Examiner  
Art Unit 3753